

1 RONALD J. TENPAS  
Assistant Attorney General  
2 Environment & Natural Resources Division  
3 ROCHELLE L. RUSSELL (CA Bar No. 244992)  
Trial Attorney  
4 U.S. Department of Justice  
Environment & Natural Resources Division  
5 Environmental Defense Section  
P.O. Box 23986  
6 Washington, D.C. 20026-3986  
Tel: (202) 514-1950  
7 Fax: (202) 514-8865  
Email: rochelle.russell@usdoj.gov  
8 *Counsel for Defendants*

9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14  
15 ASSOCIATION OF IRRITATED  
RESIDENTS, an unincorporated association,  
16 and NATURAL RESOURCES DEFENSE  
COUNCIL, INC.,

17 Plaintiffs,

18 v.

19 UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, STEPHEN L.  
20 JOHNSON, in his official capacity as  
Administrator of the United States  
21 Environmental Protection Agency, and  
WAYNE NASTRI, in his official capacity as  
22 Regional Administrator for Region IX of the  
United States Environmental Protection  
23 Agency,

24 Defendants.  
25  
26  
27  
28

No. CV 08-00227 SC

**STIPULATION TO STAY THE  
CASE PENDING PUBLIC  
COMMENT ON THE PROPOSED  
CONSENT DECREE**

1 WHEREAS, on January 14, 2008, the Association of Irrigated Residents and the Natural  
 2 Resources Defense Council, Inc., (collectively, "Plaintiffs") filed the complaint in the above-  
 3 captioned matter against the United States Environmental Protection Agency; Stephen L.  
 4 Johnson, in his official capacity as Administrator of the United States Environmental Protection  
 5 Agency; and Wayne Nastri, in his official capacity as Administrator for Region IX of the United  
 6 States Environmental Protection Agency (collectively, "EPA" or "Defendants"), alleging that  
 7 EPA has failed to undertake certain nondiscretionary duties under section 304(a)(2) of the Clean  
 8 Air Act, 42 U.S.C. § 7604(a)(2);

9 WHEREAS, on June 30, 2008, EPA lodged a proposed Consent Decree with the Court,  
 10 DE #15, which would fully resolve the claims alleged against EPA in Plaintiffs' complaint;

11 WHEREAS, before the proposed Consent Decree can be entered by the Court, EPA must  
 12 provide notice of the Consent Decree in the Federal Register and an opportunity for public  
 13 comment pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

14 WHEREAS, the EPA Administrator will promptly consider any written comments  
 15 received on the proposed Consent Decree and, if none of the comments disclose facts or  
 16 considerations which indicate that the Decree is inappropriate, improper, inadequate, or  
 17 inconsistent with the requirements of the Clean Air Act, EPA will move for the Court's entry of  
 18 the Consent Decree;

19 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through  
 20 their undersigned counsel, hereby stipulate to stay the case pending public comment on the  
 21 proposed Consent Decree. Upon the completion of EPA's review of the public comments, EPA  
 22 will either move for entry of the Consent Decree or notify the Court of any additional action that  
 23 may be required in light of the public comments.

24  
 25 **COUNSEL FOR PLAINTIFFS:**

26 Dated: July 8, 2008

27 /s/ Sofia L. Sarabia  
 28 SOFIA L. SARABIA  
 BRENT NEWELL  
 Center On Race, Poverty & the Environment  
 47 Kearney Street, Suite 804  
 San Francisco, CA 94108  
 Phone: (415) 346-4179

Email: bjnewell@igc.org  
*Counsel for Plaintiff Association of Irrigated Residents*

Dated: July 8, 2008

/s/ Adriano Martinez  
ADRIANO MARTINEZ  
Natural Resources Defense Council  
1314 Second Street  
Santa Monica, CA 90401  
Phone: (310) 434-2300  
Email: amartinez@nrdc.org  
*Counsel for Plaintiff Natural Resources Defense Council*

**COUNSEL FOR DEFENDANTS:**

Dated: July 8, 2008

RONALD J. TENPAS  
Assistant Attorney General  
Environment & Natural Resources Division

/s/ Rochelle L. Russell  
ROCHELLE L. RUSSELL  
Trial Attorney  
U.S. Department of Justice  
Environmental Defense Section  
P.O. Box 23986  
Washington, D.C. 20026-3986  
Tel: (202) 514-1950  
Email: rochelle.russell@usdoj.gov  
*Counsel for Defendants*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE SAMUEL CONTI  
U.S. District Court Judge

**CERTIFICATE OF SERVICE**

I certify that on July 8, 2008, a true and correct copy of the foregoing **STIPULATION TO STAY THE CASE PENDING PUBLIC COMMENT ON THE PROPOSED CONSENT DECREE** was served electronically via the Court's e-filing system to Counsel of Record.

/s/ Rochelle L. Russell  
ROCHELLE L. RUSSELL